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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

THEFBAMACHINE INC., a corporation;

PASSIVE SCALING INC., a corporation;

SALES.SUPPORT NEW JERSEY INC., a corporation;

1HR DELIVERIES INC., a corporation;

HOURLY RELIEF INC., a corporation;

3PL LOGISTIC AUTOMATION INC., a corporation;

FBA SUPPORT NJ CORP., a corporation;

DAILY DISTRO LLC, a limited liability company;

CLOSTER GREEN CORP., doing business as WRAITH & CO., a corporation; and

BRATISLAV ROZENFELD, also known as Steven Rozenfeld and Steven Rozen, individually and as an officer or owner of THEFBAMACHINE INC., PASSIVE SCALING INC., SALES.SUPPORT NEW JERSEY INC., 1HR DELIVERIES INC.,

Civil Action No. 24-6635 (JXN) (LDW)

APPLICATION OF ANTHONY SODONO, III, TEMPORARY RECEIVER, FOR AN ORDER AUTHORIZING RETENTION OF (I) MCMANIMON, SCOTLAND & BAUMANN, LLC AS ATTORNEYS FOR THE RECEIVER; AND (II) EISNER ADVISORY GROUP LLC AS ACCOUNTANTS TO THE RECEIVER

HOURLY RELIEF INC., 3PL LOGISTIC AUTOMATION INC., FBA SUPPORT NJ CORP., DAILY DISTRO LLC, and CLOSTER GREEN CORP., doing business as WRAITH & CO., a corporation,

Defendants.

TO: HONORABLE JULIEN XAVIER NEALS
UNITED STATES DISTRICT COURT JUDGE

Anthony Sodono, III, Temporary Receiver (“Receiver”) for The FBA Machine Inc., Passive Scaling Inc., Sales.Support New Jersey Inc., 1HR Deliveries Inc., Hourly Relief Inc., 3PL Logistics Automation Inc., FBA Support NJ Corp., Daily Distro LLC, and Closter Green Corp d/b/a Wraith & Co. and Bratislav Rozen a.k.a. Steven Rozenfeld and Steven Rozen, individually and as an officer of The FBA Machine Inc., Passive Scaling Inc., Sales.Support New Jersey Inc., 1HR Deliveries Inc., Hourly Relief Inc., 3PL Logistics Automation Inc., FBA Support NJ Corp., Daily Distro LLC, and Closter Green Corp d/b/a Wraith & Co. (the “Receivership Defendants”), respectfully submits this Application pursuant to L. Civ. R. 66.1 of the Local Civil Rules of the United States District Court for the District of New Jersey, for an Order authorizing the Receiver to retain (i) McManimon, Scotland & Baumann, LLC (“MSB”) as his counsel; and (ii) Eisner Advisory Group LLC as his accountants. In support of this application, the Receiver states as follows:

Background

1. On or about June 3, 2024, the Federal Trade Commission (“FTC”) commenced the within action against The FBA Machine Inc., Passive Scaling Inc., Sales.Support New Jersey Inc., 1HR Deliveries Inc., Hourly Relief Inc., 3PL Logistics Automation Inc., FBA Support NJ

Corp., Daily Distro LLC, Closter Green Corp d/b/a Wraith & Co., and Bratislav Rozenfeld aka Steven Rozenfeld and Steven Rozen (collectively, the “Defendants”). See Complaint.¹

2. On June 3, 2024, Anthony Sodono, III, Esq., was appointed Temporary Receiver for the Receivership Entities by *Ex Parte* Temporary Restraining Order with Asset Freeze, Appointment of a Temporary Receiver, and Other Equitable Relief and Order to Show Cause Why Preliminary Injunction Should Not Issue (the “Order”). See ECF 5.

Relief Requested and Basis Therefor

I. Retention of McManimon, Scotland & Baumann, LLC

3. By this application, the Receiver seeks to retain and employ MSB with offices located at 75 Livingston Avenue, Suite 201, Roseland, New Jersey 07068 as his counsel to assist the Receiver in all matters relating to his duties as more fully set forth in the Order.

4. The Receiver has been informed that all members of MSB who will be engaged in this matter are attorneys duly admitted to practice in and are members in good standing of the bar of the State of New Jersey and the federal courts of the District of New Jersey.

5. The Receiver has selected MSB based on its considerable experience in the fields of, among other things, litigation, general corporate, reorganization, insolvency, bankruptcy, and related matters. The Receiver believes that MSB is well qualified to serve as counsel in this matter.

6. The professional services that MSB will render to the Receiver during the pendency of this case include, but shall not be limited to, the following:

(a) advising the Receiver with respect to his powers and duties;

(b) assisting the Receiver in taking exclusive custody, control, and possession of all assets and documents of, or in the possession, custody, or under the control of, the “Receivership Entities” (as that term is defined in the Order);

¹ This document was filed under seal.

(c) assisting the Receiver in administering the estate

(d) assisting the Receiver to conserve, hold, and manage all receivership assets and perform all acts necessary or advisable to preserve the value of those assets in order to prevent any irreparable loss or damage, or assisting the Receiver in contracting and purchasing insurance as advisable or necessary;

(e) assisting the Receiver in selling the assets of the receivership; and

(f) performing such other legal services for the Receiver as may be necessary and appropriate herein.

7. It is contemplated that MSB will be compensated for the services described herein at its adjusted billing rates² and in accordance with its customary billing practices with respect to other charges and expenses. The current billing rates of attorneys of MSB are set forth in the Certification of Sari B. Placona, Esq., submitted herewith. These hourly rates are subject to periodic adjustment to reflect economic and other conditions but only as approved upon written consent of the FTC. Payment to MSB of any fees and/or disbursements incurred shall occur only upon notice to the Receivership and Receivership Entities and his counsel, Federal Trade Commission, and other parties filing notices of appearance.

8. To the best of the Receiver's knowledge, MSB has no adverse interest with the Federal Trade Commission, the Receivership Entities, creditors or other parties in interest or their respective attorneys.

II. Retention of Eisner Advisory Group LLC

9. By this application, the Receiver seeks to retain and employ Eisner Advisory Group LLC ("Eisner") with offices located at 111 Wood Avenue South, Iselin, New Jersey 08830 as his accountants to assist the Receiver in all matters relating to his duties as more fully set forth in the Order.

² MSB has agreed to reduce its hourly rates by twenty percent (20%).

10. The Receiver has selected Eisner because it has extensive experience and the appropriate accounting skills and personnel needed to perform the accounting services required by the Receiver. The Receiver believes that Eisner is well qualified to serve as accountants in this matter.

11. The professional services that Eisner will render to the Receiver during the pendency of this case include, but shall not be limited to, prepare and file tax returns and render such other accounting services as may be required by the Receiver in the ordinary course of his duties.

12. It is contemplated that Eisner will be compensated for the services and as set forth set forth in the Certification of Anthony Calascibetta, CPA, CFF, CTP, submitted herewith that fall within the hourly rate(s) range of \$195 to \$695. Eisner has agreed to a twenty percent (20%) rate reduction.

13. To the best of the Receiver's knowledge, Eisner has no adverse interest with the Receiver, Federal Trade Commission, Receivership Entities, creditors, or other parties in interest, or their respective attorneys.

WHEREFORE, the Receiver respectfully requests that this Court enter the proposed Order authorizing the retention of (i) McManimon, Scotland & Baumann, LLC as his counsel, (ii) Eisner Advisory Group LLC as his accountants, and granting such other and further relief as the Court deems just and proper.

/s/ Sari B. Placona
Sari B. Placona

Dated: June 13, 2024